

SRI LANKA

COUNTRY ASSESSMENT

**COUNTRY INFORMATION AND POLICY UNIT
ASYLUM AND APPEALS POLICY DIRECTORATE
IMMIGRATION AND NATIONALITY DIRECTORATE**

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I SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom. It represents the current assessment by the Immigration and Nationality Directorate of the general socio-political and human rights situation in the country.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment will be placed on the Internet (<http://www.homeoffice.gov.uk/ind/cipu1.htm>). An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK
Immigration Advisory Service
Immigration Appellate Authority
Immigration Law Practitioners' Association
Joint Council for the Welfare of Immigrants
JUSTICE
Medical Foundation for the Care of Victims of Torture
Refugee Council
Refugee Legal Centre
UN High Commissioner for Refugees

II GEOGRAPHY

2.1 The Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, lies in the Indian Ocean, approximately 80 km (50 miles) east of the southern tip of India. The country covers an area of 65,610 square kilometres (25,332 square miles). It has a population of approximately 18,354,000 (official mid-1995 estimate). The capital is Colombo. [1]

2.2 The population can be divided into the majority Sinhalese (74%), Tamils (18%), Muslims (7%) and Burghers, the descendants of colonialists (1%). The majority (69%) are Buddhist, 16% are Hindu, 8% are Christian, together with the 7% who are Muslims.

[16]

2.3 Three languages are spoken: Sinhala, Tamil and English. [16] Tamil was made the second official language in 1988. [1] Almost all Sinhalese are Buddhist and speak Sinhala; Tamils are mostly Hindu and speak Tamil. They are comprised of those Tamils who have a long history on

the island, and "estate" Tamils (roughly 30% of all Tamils) who are descendants of labourers brought from southern India to work on the plantations. Muslims speak mostly Tamil, but are distinguished by their religion. [16]

See also Estate Tamils: paragraphs 5.3.35 - 5.3.40

2.4 In most of the country the Sinhalese form the majority. Tamils are the largest community in the northern districts. "Estate" Tamils live mainly in the hill country in the central part of Sri Lanka. In the east Sinhalese, Tamils and Muslims are equally represented. In the rest of the country, there are substantial Tamil and Muslim communities, although they are in the minority there. [16]

III HISTORY

Independence to 1994

3.1. The former British colony of Ceylon achieved independence in February 1948. Under the Constitution of 1972 the country became a republic with the name of the Democratic Socialist Republic of Sri Lanka. The government was headed by a prime minister accountable to a unicameral parliament. In 1978 a presidential system was introduced, with extensive executive powers being held by the president. [8]

See also System of Government: paragraphs 4.3 - 4.11

3.2 Since independence, the political situation in Sri Lanka has been characterised by the conflict between the Sinhalese majority and the Tamil minority. Before independence, Burghers played an important role in the British administration, as did many Tamils because of their knowledge of English. After independence the various communities were able to work together. However the Ceylon Citizenship Act 1948 withheld nationality from estate Tamils, who had come to Sri Lanka only relatively recently in its history, having been brought over from India by the British. [8] An amendment to the Parliamentary Elections (Order in Council) 1949 removed the franchise rights of these Tamils. [26]

3.3 For Tamils, the political situation changed in 1956, when Solomon Bandaranaike set himself up as a champion of Sinhalese interests and won the elections with a promise to make Sinhalese the country's only official language, instead of English. [8] The Official Language Act was duly passed in 1956. [26]

3.4 While the 1978 Constitution recognised Tamil as a "national language" for public administration and the conduct of legal proceedings, Tamils continued to feel discriminated against as a result of the restrictive admissions policy applied to them for university places and public office. Nothing subsequently came of the promise under the Bandaranaike-Chelvanayakam Pact to set up regional councils with powers of their own.

3.5 In Jaffna the situation deteriorated. In 1976 extremists, the Young Tigers, murdered the Tamil mayor of Jaffna, who had been working with the government, and in following years they murdered 38 police officers, 9 politicians and 27 others. [8]

3.6 In July 1983, 13 Sinhalese soldiers were killed near Jaffna, reportedly by a group of Tamil extremists. Violence directed against the Tamil minority started immediately in Colombo, subsequently spreading throughout the country. Several hundred Tamils were killed by Sinhalese groups. In the following few days there were reports that unarmed members of the Tamil minority were being killed at random by the security forces in the north, apparently in retaliation for the killing of their own men, and that Tamil detainees held under the Prevention of Terrorism Act (PTA) were being killed in a Colombo prison. Later that year, the Sri Lankan Government acknowledged 51 killings. [24a] Between July 1983 and July 1985 nearly 100,000 Tamils fled to southern India, where some of them were housed in camps. [8]

3.7 The Indian Prime Minister, Rajiv Gandhi, tried to bring about a settlement between the Sri Lankan Government and the various warring groups in the north, but Gandhi's devolution proposals were rejected at a conference in Bangalore in 1986 by the leader of the Liberation Tigers of Tamil Eelam, Velupillai Prabhakaran, who returned to Jaffna and stepped up operations against the Sri Lankan army. In 1987 the Sri Lankan army launched an offensive, Operation Liberation, to regain military control of the Jaffna Peninsula. [8]

3.8 Instances of human rights violations by the Sri Lankan security forces were reported, such as the massacre of 150 civilians, nearly all Tamils, who were killed by the Special Task Force (STF) after 13 STF personnel had been killed at Kokkaddicholai in January 1987. Between 1983 and the 1987 signing of the Indo-Sri Lankan Accord, 685 disappearances were recorded in northern and eastern Sri Lanka. [24b]

3.9 India once again resolved to mediate and the Indo-Sri Lankan Accord of 29 July 1987 was concluded between the Sri Lankan President, Junius Jayawardene, and Rajiv Gandhi. The peace plan included provision for the amalgamation of provincial councils in the north and east and for the repatriation of the 100,000 Tamils who had fled to India after the events of 1983. As part of the plan, an Indian Peace Keeping Force (IPKF) was despatched to the Jaffna Peninsula to oversee compliance with the provisions of the peace agreement. However the LTTE refused to disarm and fighting broke out. [8]

3.10 On 25 March 1990 the IPKF withdrew from Sri Lanka. The LTTE held control of most of the Jaffna peninsula, and the army held an area in the north around Palaly and Kankesanthurai. [8] In the early 1990s there were several incidents of the security forces responding to LTTE attacks by committing human rights violations against the Tamil civilian population. For instance in June 1991, at least 67 civilians, including women and children, were killed when local army personnel rampaged through the villages of Mahiladithivu and Muthalaikuda after 2 soldiers had been killed in a land mine explosion nearby. [24c] In August 1992, the day after 10 senior army and navy officers had been killed by the LTTE on Kayts Island, soldiers from Poonani camp killed 39 Tamil men, women and children in Mailanthanai, Batticaloa district, over 180 miles away, apparently in reprisal. [24d]

See also Section V: Human Rights

3.11 In October 1995 the army launched an offensive, as a result of which it seized control of the town of Jaffna on 5 December 1995. In May 1996 the army took control of most of the Jaffna

peninsula. In the Eastern Province the army retained control of the coastal strip, while the jungle areas behind the lagoons remained largely LTTE territory.

3.12 In early March 1997 it was estimated that more than 50,000 people had died and about 1 million people had been displaced as a result of the 14 year civil war. [1]

1994 to the present

3.13 The People's Alliance (PA), led by the Sri Lanka Freedom Party of Chandrika Kumaratunga, won the 1994 parliamentary elections. This ended the 17 year rule of the United National Party (1977-1994). Mrs Kumaratunga was appointed Prime Minister. [1]

See also System of Government: paragraphs 4.3 - 4.11

3.14 Presidential elections were held on 9 November 1994, which were won by Mrs Kumaratunga. The new President promised to abolish the executive presidency and to implement a programme of social, economic and constitutional change. The President's mother, Sirimavo Bandaranaike was appointed Prime Minister, the third time she had held that office. [1]

3.15 In the run up to the elections, Mrs Kumaratunga promised to bring peace by seeking a political solution to the Tamil conflict. In the autumn of 1994 talks were held with the LTTE, which led to a military truce on 8 January 1995. The LTTE unilaterally ended the truce in April 1995 and full scale war broke out again in the north and east. [8]

3.16 In July 1995, the Government launched a major military offensive, named "Operation Leap Forward", in the Jaffna peninsula. This was intensified in mid-October (under the code name "Operation Riviresa" [Sunshine]), and many thousands of civilians were forcefully exhorted by the LTTE to leave the area. In retaliation for the army's offensive in the Jaffna peninsula, the LTTE carried out bomb attacks on the country's two largest oil storage facilities near Colombo in October. In mid-November, two LTTE suicide bombers caused 18 deaths and more than 50 casualties in Colombo. [1]

3.17 In early December 1995 the Sri Lankan army recaptured the city of Jaffna. The LTTE rejected the President's offer of an amnesty in exchange for disarmament. The retaking of the city of Jaffna precipitated an escalation in LTTE-organised terrorist activity. At the end of January 1996 100 people were killed and about 1,400 were injured as a result of a "suicide bomb" attack on the Central Bank in Colombo. This devastating attack appeared to be the LTTE's response to the Government's release of the legal draft of the devolution proposals earlier that month. [1]

3.18 The Government had put forward an initial devolution plan in August 1995, which would provide for the establishment of 8 regions, with elected regional councils being given powers of their own in a variety of fields. The Northern and Eastern Provinces would together make up one region, apart from those areas in which Sinhalese and Muslims are in a majority. Moderate Tamil parties were in general positively inclined towards the plan. [8]

3.19 A slightly amended plan was published in January 1996, in the form of an amendment of the Constitution. This made allowance for Sinhalese objections to the previous version that it would

undermine the unitary state and most Tamils found the new version disappointing. The proposed amendments to the Constitution would give greater autonomy for the regions, reduce presidential powers, transfer those powers to parliament, establish a second chamber to give minorities better representation, and give greater powers to the Supreme Court. The proposals met parliamentary opposition and the UNP produced counter-proposals in January 1998. [8]

See also Devolution Proposals: paragraphs 4.12 - 4.13

3.20 In early April 1996, against a background of continuing conflict between Tamil militants and government forces in the north and east of the country, the President extended the state of emergency to cover the whole of the country (since coming to power in November 1994, the People's Alliance administration had restricted the emergency provisions to the troubled northern and eastern regions, and Colombo). The opposition condemned this move as an attempt on the part of the Government to postpone crucial local elections due to be held later that year.

3.21 In mid-May 1996, the Sri Lankan army announced that it now controlled the whole of the Jaffna peninsula. It also claimed that of the 300,000 Tamil civilians who had been displaced by the ethnic violence, about 250,000 had returned to government-held areas. On 4 July a suicide bomb attack in the centre of Jaffna which killed over 25 people and injured 60, including the Housing Minister, again demonstrated the ability of the LTTE suicide commandos to wreak havoc. After the bomb attack in Jaffna, the LTTE was reported to have conducted public executions of suspected informers and to have engaged in massacres and retaliatory killings of Sinhalese and Muslim villagers, torture and mistreatment of prisoners, forced conscription of children, and kidnapping. [1] & [20]

3.22 The security forces were also reported to have committed human rights violations during 1996. The Board of Investigation looking into disappearances in the north and east found that 730 people were alleged to have disappeared, of whom 182 were traced. The remaining cases were unresolved. [12b]

See also Section V: Human Rights

3.23 In July 1996 the LTTE was suspected of planting a bomb on a crowded suburban train near Colombo which killed more than 70 people, and injured 500. In October the Government took legal action for the first time against the LTTE leader, Velupillai Prabhakaran, who along with nine other militants, was charged with more than 700 criminal acts of terrorism. [1] & [20]

See also Abuses by the LTTE: paragraphs 5.2.63 - 5.2.65

3.24 In March 1997 the Government was successful in local elections in which it won more than 80% of the contested councils. Voting did not take place in the northern and eastern provinces. However the Government's share of the total vote decreased to 48%, compared to the 62% it achieved in the November 1994 Presidential election. The Government viewed the results as a mandate to continue preparing its devolution plans offering limited autonomy to the Tamil secessionists. [1]

3.25 In March 1997 the members of the Human Rights Commission were appointed, 8 months

after the Act establishing the HRC was passed in Parliament. In late June 1997, the Government announced that the function of monitoring the welfare of detainees which had until then been entrusted to the Human Rights Task Force would be transferred to the HRC as of 1 July 1997. [2]

See also Human Rights Commission: paragraphs 5.2.39 - 5.2.43

3.26 In May 1997 the Government launched Operation Jayasikuru (Sure of Victory), with the aim of gaining control of the 75 km highway between Elephant Pass, the point of entry to the Jaffna Peninsula, and Vavuniya. Thousands of troops and rebels have been reported killed or wounded since then. [1] & [18g]

3.27 Hundreds of civilians have also been the victims of human rights violations by both the LTTE and the security forces. [24e] In one of the few cases where official action was taken, on 1 February 1998 in Thambalagamam in Trincomalee district, officers from the Bharathipuram police post and local home guards reportedly arrested and killed 8 young men in retaliation for an attack by the LTTE on police in the area the night before. Police arrested 42 people, 39 of whom had been released on bail by mid-June. [25] 4 were charged with murder and 17 with unlawful assembly. [12b]

3.28 On 26 January 1998 the Government formally outlawed the LTTE, the day after an LTTE suicide squad crashed a truck through road blocks in the ancient capital of Kandy and set off a bomb outside the Temple of the Tooth (Dalada Maligawa), the country's holiest Buddhist shrine. 13 people were killed and 23 wounded in the attack, which occurred days before the 50th anniversary celebrations of Sri Lanka's independence, which were to be held in the city. [18c]

3.29 The Government suffered another set back in late January 1998 when the opposition UNP effectively rejected the proposed devolution package. The UNP disagreed with the Government's proposal to devolve wide ranging powers to regional councils, including a Tamil administered area, and favoured the concept of power sharing at the centre. [1]

3.30 LTTE violence continued. In early February 1998 9 people were killed in Colombo as a result of another "suicide bombing", and the following month 38 people died and about 250 were injured when a suspected LTTE suicide bomber drove a bus laden with explosives into the capital's crowded business district. [1]

3.31 Elections for local councils in the areas recaptured from the LTTE were held on 29 January 1998. Four Tamil parties, EPDP, PLOTE, EPRLF and TELO, who in the past had all fought against the Sri Lankan Army, as well as the moderate TULF, contested the elections. The governing PA and the opposition UNP did not participate, and the LTTE boycotted the elections. The EPDP won the largest number of seats though only some 28% of the registered voters participated in the election. [18d], [18e] & [21a]

3.32 On 12 March 1998, Sarojini Yogeswaram of TULF was sworn in as the first mayor of Jaffna since 1984 [18j] but she was assassinated in May. The Sangilian Force claimed responsibility. [18k] The new mayor, P Sivapalan, was himself killed in a bomb explosion in the Jaffna municipality office on 11 September. The local army commander and several senior police officers were also killed in the blast. [18l]

3.33 The President announced in August 1998 that she was willing to accept a third party mediator in negotiations with the LTTE, but the rebels would first have to relinquish their demand for a separate state. [21c]

3.34 On 4 August 1998 the Government extended the State of Emergency to the whole island for a period of one month. [18m] The Emergency had been lifted in the south of Sri Lanka in July 1997. [2] Parliament is required to vote to extend the Emergency each month. Later that day the President announced that the provincial council elections scheduled for 28 August were postponed, as the army could not provide security to candidates and polling stations, when the war against the LTTE was at a decisive stage. [18n]

3.35 At the end of September 1998 the Sri Lankan army lost the key northern town of Kilinochchi to the LTTE in fierce fighting which left many hundreds dead. However the army captured the tactically more important town of Mankulam. [19j]

3.36 The Defence Ministry announced at the beginning of December 1998 that Operation Jayasikuru, launched in May 1997, had been completed. Analysts have said that the Operation, during which thousands of soldiers and rebels had been killed or wounded, was one of the bloodiest in the 15 year civil war. A fresh offensive was launched, codenamed Rivi Bala (Sun Power), after the capture of the northern towns of Omathai, Puliyankulam and Mankulam. The new offensive linked up the key towns of Mankulam, Oddusuddan and Nedunkerni in what was seen as a change of the Government's military strategy to inch closer to the LTTE base in the north eastern coastal town of Mullaitivu. [19i]

3.37 Provincial elections in the North West Province were held on 25 January 1999. The People's Alliance coalition won 30 of the 52 seats, while the opposition UNP took 19 and the People's Liberation Front won 3 seats. The election was accompanied by unprecedented levels of violence in which 2 people were killed and hundreds injured. The Centre for Monitoring Election Violence (CMEV) said that some 125 complaints of election violence had been reported and estimated that opposition polling agents had been chased away from around 75% of the polling stations. Election officers, monitors and opposition parties also complained of attacks on polling stations, vote-rigging and intimidation. [19h]

3.38 The Supreme Court ruled on 27 January 1999 that the President's decision to postpone provincial elections under the Emergency Regulations in August 1998 was unconstitutional. The Election Commissioner was also wrong to have agreed to the delays. Elections for the Western, Central, North Central, Uva and Sabaragamuwa Provincial Councils will be held on 1 April 1999. [19f]

The Economy

3.39 Sri Lanka is a low-income country with a market economy that is based on the export of textiles, tea, rubber, coconuts and gems and on earnings from tourism and repatriated earnings of citizens employed abroad. The gross domestic product per capita is approximately \$850. The economy's growth rate was 6.8% in

1997 and growth for 1998 was expected to be 5.0% due to continued strong garment and tea exports. In 1997 the Government made significant steps towards economic reform and liberalisation, including privatising some government enterprises and promoting foreign investment and trade. These steps continued in 1998.

[12b]

IV INSTRUMENTS OF THE STATE

The Sri Lankan Constitution

4.1 The Constitution was promulgated on 7 September 1978. It guarantees the fundamental rights and freedoms of all citizens, including freedom of thought, conscience and worship and equal entitlement before the law. [1] The Government generally respects these rights. [12b] Buddhism has the foremost place among religions and the State has the duty to protect and foster Buddhism. Sinhala and Tamil are the two official languages. [1]

4.2 The Supreme Court regularly upholds court rulings in cases where individuals have complained about violations of their fundamental civil rights. The Human Rights Commission is another mechanism the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts. Nevertheless, crucial safeguards built into the Emergency Regulations and the legislation establishing the Human Rights Commission were being routinely ignored by the security forces. [12b]

System of Government

4.3 The President is Head of State and exercises all executive powers. The President is directly elected by the people for a term of 6 years, and is eligible for re-election. The current President is Mrs Chandrika Bandaranaike Kumaratunga of the People's Alliance, who was sworn in on 12 November 1994. [1]

4.4 The Sri Lankan Parliament consists of one chamber with 225 members, and Members of Parliament are directly elected by a system of modified proportional representation. [1]

4.5 The last general election was held in Sri Lanka on 16 August 1994. The new Government was formed by the People's Alliance Party (PA), and ended the 17 year rule of the United National Party (UNP). [1] The elections were free and fair. [12b]

4.6 The PA consists of the Sri Lanka Freedom Party and the Democratic United Lalith Front, [8] as well as the Lanka Sama Samaja Party and the Sri Lanka Mahajana Party. [1] It gained 105 of the 225 Parliamentary seats contested, closely followed by the United National Party (UNP) with 94 seats. The full results were as follows:

Peoples Alliance	105
United National Party	94

Eelam People's Democratic Party (EPDP)	9
Sri Lanka Muslim Congress (SLMC)	7
Tamil United Liberation Front (TULF)	5
Democratic People's Liberation Front (DPLF)	3
Sri Lanka Progressive Front (SLPF)	1
Independent Group (Nuwara Eliya)	1
Total	225

4.7 The SLMC, TULF, DPLF, EPDP and the Independents all aligned themselves with the PA to give them an overall majority of one seat.

4.8 Mrs Kumaratunga was sworn in as Prime Minister on 19 August 1994, a position she held until she became President in November 1994. The current Prime Minister is her mother, Mrs Sirimavo Bandaranaike. [1]

4.9 Sri Lanka comprises 9 provinces and 24 administrative districts, each with an appointed Governor and elected Development Council. In November 1987, an amendment to the Constitution was adopted, providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). A network of 68 Pradeshiya Sabhas (district councils) was inaugurated throughout the country in January 1988. [1]

4.10 Local elections were held in March 1997. The Peoples' Alliance won 194 of the contested 238 councils, but with only 49% of the vote. The United National Party won 43 councils with 41% of the vote. The JVP emerged as the third largest party with some 4% of the vote, spread throughout the country - not just in the south. [18a] & [3]

See also Sinhalese (and the JVP): paragraphs 5.3.43 - 5.3.47

4.11 In January 1998 local elections were held in the northern areas recaptured from the LTTE, in which five Tamil parties participated, among them former guerrilla groups who had fought against the Sri Lankan Government at some point in the civil war. Only 28% of voters participated. The EPDP won the largest number of seats. [18d], [18e] & [21a]

See also History: paragraph 3.31

Devolution Proposals

4.12 The Government launched a package of devolution proposals in August 1995. These offered substantial autonomy to eight regional councils, but were primarily intended to provide the Tamil community in the North and East with an unprecedented degree of local self government. The LTTE rejected the proposals, which were also criticised by hard-line Sinhalese nationalist opinion.

4.13 The package also met parliamentary opposition. While the opposition UNP accept the idea of devolution in principle they are not disposed to support the People's Alliance proposals. The Government needs the support of the UNP to pass the proposals through Parliament with the

required two-thirds majority. The UNP produced counter-proposals in January 1998 which, while not an outright rejection of the government's plans, are sufficiently distant to make a compromise unlikely. **[18f] & [17a]**

See also History: paragraphs 3.18 - 3.19

Legal Framework

4.14 The judicial system consists of the Supreme Court, the Court of Appeal, the High Court, District Courts, Magistrates' Courts and Primary Courts. The last four are Courts of the First Instance. Appeals lie from them to the Court of Appeal and from there, on questions of law, or by special leave, to the Supreme Court. The High Court deals with all criminal cases and the District Courts with civil cases. There are also Labour Tribunals to decide labour-based disputes. **[1]**

4.15 The Judicial Service Commission comprises the Chief Justice and two judges of the Supreme Court, nominated by the President. All judges of the Courts of First Instance (except High Court judges), and the staff of all courts are appointed and controlled by the Judicial Service Commission. The Supreme Court consists of the Chief Justice, and not fewer than 6 and not more than 10 other judges. The Court of Appeal consists of the President, and not fewer than 6 and not more than 11 judges. **[1]**

4.16 The judiciary in Sri Lanka is independent and properly constituted, and there is no evidence to suggest that individuals would not receive a fair trial under Sri Lankan ordinary law. The authorities are required, by law, to inform an individual of the reason for their arrest, and to produce him before a magistrate within 24 hours of arrest. In practice, this usually occurs within a few days. **[8] & [12b]**

4.17 In criminal cases, defendants are tried publicly by jury. They are informed of the charges and evidence against them, and they may be represented by Counsel of their choice. They also have a right of appeal against sentence. The Government provides Counsel for indigent persons who are to be tried on criminal charges in the High Courts, and the Court of Appeal, but not in other instances; private legal aid organisations also exist. **[8] & [12b]**

4.18 Under the emergency provisions - the Emergency Regulations (ERs) and the Prevention of Terrorism Act (PTA) - the authorities may detain suspects for long periods without court approval - up to 18 months in the case of the PTA. The ERs allow pre-trial detention for a maximum of four consecutive 3 month periods. A magistrate must order further detention. Detainees may challenge the detention issue through the courts and sue the Government, if appropriate, for violating their human rights. **[8] & [12]**

Arrests and detentions by the police have taken place in violation of the legal safeguards built into the ER and other legislation, particularly regarding requirements that receipts be issued and that the Human Rights Commission (previously the Human Rights Task Force) be notified of any arrest within 48 hours. **[12b]**

See also Arrests and detention: paragraphs 5.2.20 - 5.2.29

4.19 The present government has not interfered with the functioning of the judiciary and has respected its judgements. [20] Impunity for those responsible for human rights abuses remains a serious problem. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. [12b]

Security Forces

4.20 The 50,000 member police force is responsible for internal security in most areas of the country and has also been used in military operations against the LTTE. The 118,000 strong army, the 12,500 strong navy and 10,000 strong air force conduct the war against the LTTE. The police paramilitary Special Task Force (STF) is also involved in the war. The 5,000 strong home guards, an armed force drawn from local communities, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and directs various Tamil militias opposed to the LTTE, though at times these groups act independently of government authority. The Government has not taken any clear, public steps to condemn or stop human rights violations carried out by the militias. [12b]

4.21 Law enforcement agencies include the Crime Detection Bureau (CDB), Criminal Investigation Department (CID), the Counter-Subversive Unit (CSU), the Directorate of Military Intelligence (DMI), and the National Intelligence Bureau (NIB). The Special Task Force (STF), a police paramilitary commando unit, also operates in the war zone. [8]

4.22 Some members of the security forces committed serious human rights abuses. Since April 1995 at least 740 people have been killed extra-judicially by the security forces or have disappeared after being taken into security force custody and are presumed dead. With the exception of the convictions in the case of the killing of Krishanthi Kumaraswamy, no member of the security forces has been convicted for any of these crimes. [12b]

See also Human Rights: General Assessment: paragraph 5.2 and Prosecution of security force personnel: paragraphs 5.2.53 - 5.2.62

V HUMAN RIGHTS

5.1 INTRODUCTION

5.1.1 The Sri Lankan Government generally respects the human rights of its citizens in areas not affected by the conflict with the LTTE. However, according to the US State Department report for 1998, issued in February 1999, the ongoing war continued to be accompanied by serious human rights abuses committed by the security forces. These include extra-judicial executions, disappearances, torture, and mass arrests and detentions. Impunity for those responsible for human rights abuses remains a serious problem. [12b]

5.1.2 The Government imposed censorship of domestic newspaper reporting and foreign television broadcasts on military and some security operations. Discrimination and violence against women,

child prostitution and child labour are also problems. [12b]

5.1.3 The Government has taken steps to control human rights abuses. The Human Rights Commission has been established and is operating. A branch office was opened in Jaffna in January 1998. However as noted in paragraph 4.18 above, crucial safeguards built into the ER and the legislation establishing the Human Rights Commission (HRC) were being routinely ignored by the security forces, especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. No members of the security forces are known to have been punished during 1998 for failure to comply with the ER. [12b]

5.1.4 Through its rulings the judiciary continued to exhibit its independence and uphold individual civil rights. Prosecutions of security force personnel alleged to have committed human rights abuses proceeded in a few longstanding, high-profile cases of extrajudicial killing and disappearance. In most cases, however, no progress was made, or there was no investigation or prosecution at all, giving the appearance of impunity for those responsible for human rights violations. [12b]

5.1.5 Pro-government Tamil militants committed extra-judicial executions and were responsible for disappearances, torture, detentions and forced conscription. [12b]

5.1.6 The LTTE have also been responsible for human rights violations, including attacks on civilians, hostage taking, extra-judicial executions, torture, arrests and disappearances. The LTTE control large areas of the north and east of Sri Lanka through authoritarian military rule which violates the civil liberties of the population. [12b]

See also Abuses by the LTTE: paragraph 5.2.63 - 5.2.65

5.2 GENERAL ASSESSMENT

5.2.1 Amnesty International state that all branches of the security forces are responsible for human rights violations, including extra-judicial executions, disappearances, torture, and arbitrary arrest and detention. [7]

Disappearances

5.2.2 Between 1980 and 1997, 12,208 cases of disappearance alleged to have occurred in Sri Lanka were reported to the United Nations Working Group on Enforced or Involuntary Disappearances. Cases reported since 1990 have occurred mainly in the east and north-east of the country. The UN Working Group report states that the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathising with the LTTE. Displaced Tamils were at particular risk of detention and disappearance. [13]

5.2.3 In 1995, 55 cases of disappearance were reported to Amnesty International, particularly from the east of the country [11], but also including 15 disappearances from Colombo. [7] Amnesty refer to the bodies of at least 31 people abducted from the capital which were found in lakes and rivers in the vicinity in 1995 (the "Bolgoda killings"). President Kumaratunga ordered the Criminal Investigation Department (CID) to investigate the killings. The investigations resulted in a marked reduction in the number of such violations being reported from the capital. [7] The suspects in the Bolgoda case, 22 members of the Special Task Force, were released on bail and resumed their police functions in February 1996. The court case was delayed on several occasions by the prosecution's failure to be present during court proceedings. [12a] In November 1997, 3 of the STF members were indicted on charges of abduction and illegal detention. The case is to be heard in March 1999. [12b]

5.2.4 During 1996 most cases of disappearance, of which there were 350 confirmed cases [12b] occurred in Jaffna, Batticaloa, Mannar and Trincomalee districts, frequently in the context of so-called round-up operations by military personnel. [13] After the army regained control of Jaffna from the LTTE, an estimated 600 disappearances were reported from that area. [11] The US Embassy in Colombo knows of no cases of disappearance in 1996 in government-controlled areas of the west, centre and south of the country, apart from 3 cases in Colombo. [8]

5.2.5 During 1997 approximately 100 cases of disappearance were reported, again mainly from Jaffna, Batticaloa, Mannar and Kilinochchi. [11] There were no reports of disappearances from Colombo in 1997. [12a]

5.2.6 Disappearances at the hands of the security forces continued in the north and east in 1998. However there were no reports of disappearances in Colombo, Trincomalee or Jaffna. At least 11 disappearances involved cases where individuals were last known to be in security force custody in Vavuniya and the east. In at least 7 cases, individuals disappeared after last being seen near the army's forward defence lines in the north. The exact number of disappearances was impossible to ascertain due to censorship of news about security force operations and infrequent access to the north and east. [12b]

5.2.7 The UN Committee Against Torture highlighted their grave concern about torture linked with disappearances. [15]

5.2.8 Amnesty International acknowledges that the Sri Lankan Government has taken positive steps to provide redress and prevent disappearances occurring in the first place, but there have been continuing reports of widespread human rights violations, including disappearances. Amnesty considers that the root causes must be tackled: the sense of impunity among the security forces and the powers of the Emergency Regulations and Prevention of Terrorism Act which allow people to be detained for long periods of time. Forensic expertise is under-resourced; few prosecutions are initiated against those allegedly responsible for disappearances; effective measures are required to protect witnesses and relatives of disappeared persons against any form of intimidation or reprisal; and the safeguards which have been introduced are not being implemented effectively. Amnesty have also called for the ERs and PTA to be brought into line with accepted international standards regarding due process and the treatment of prisoners. [11]

See also Government Action: paragraphs 5.2.30 - 5.2.38; Commissions of Inquiry into Involuntary Removal and Disappearances: paragraphs 5.2.46 - 5.2.49

Extra-judicial executions

5.2.9 Amnesty International state that the police, army, and the Special Task Force (STF) have committed extra-judicial executions. Amnesty reports give details of the cases known to them. [7] These occur mainly in the north and east and are associated with operations against LTTE insurgents or interrogation of suspected terrorists. In some cases they were reprisals against civilians for LTTE attacks in which members of the security forces were killed or injured. [12b]

5.2.10 Up to 100 extra-judicial killings were carried out by the security forces in 1997, although the exact number is unknown due to censorship of news relating to military or police operations, and lack of regular access to the north and east for human rights monitors. The perpetrators of these killings had not been arrested by the Government at the end of 1997. [12a]

5.2.11 During 1998, at least 33 extra-judicial killings were committed by the police, home guards and army personnel in the north and east, and at least 18 others were killed near the army's forward defence lines near Vavuniya, Mannar and Kilinochchi where civilians were warned not to proceed. [12b]

Torture

5.2.12 The police, STF and army have been responsible for incidents of torture. Amnesty International refer to the many testimonies obtained from victims of torture, corroborating medical certificates, Supreme Court judgements in fundamental rights cases and reports from Government inquiry commissions. [9]

5.2.13 Testimonies obtained from victims of torture speak of the security forces abusing them in the following ways: having petrol poured on their faces; chilli powder applied to parts of the body; being repeatedly plunged in barrels of water; electric shocks; near suffocation with wet rags; burning with cigarettes; beatings with plastic pipes; being hung upside down and beatings on the soles of the feet. In most cases testimony was corroborated by medical evidence. This treatment occurred while the victims were being interrogated about suspected involvement with the LTTE. There were also several reports of rape by members of the security forces. [7], [5a], [5b], [6] & [12b]

5.2.14 The Refugee Council refers to reports from Sri Lankan Judicial Medical Officers (Government appointed doctors instructed by the Supreme Court to investigate allegations of torture after petitions have been made by Tamil detainees), which document physical injuries and scars which are consistent with various methods of assault, including suspension, burns and beatings. [5a] The Supreme Court awarded compensation in 4 of the 10 cases of which the Refugee Council had details. No prosecutions were undertaken in any of these cases against the officials responsible for committing torture. [5b]

5.2.15 Reports of torture emanate from various parts of the country, including Trincomalee,

Batticaloa and Jaffna as well as Colombo. [7]

5.2.16 The Medical Foundation for the Care of Victims of Torture issued a report in July 1998 which sets out 10 medical case studies of Tamils who claim to have been tortured during 1997. These studies were taken from all the Tamils who were examined during a sample 8 week period. Some of the Tamils had worked voluntarily for the LTTE, others had been conscripted by the LTTE, others had assisted the LTTE but not voluntarily. The subjects of the case studies were detained either by the police in Colombo or by the army in the north. The Tamils described methods of torture similar to those set out in paragraph 5.2.11 above.

5.2.17 Some of the Tamils were found by the security forces to have scars, which created the suspicion that they were involved with the LTTE. This led to arrest and torture. Some of the case studies described how they were made to put on masks and identify newly arrested young men as being Tamil Tigers. They pointed out several at random although they did not recognise them, because they would be assaulted otherwise. The Medical Foundation considers this to be a self-perpetuating cycle of abuse. [6]

5.2.18 While the torture victims in the Medical Foundation's 1998 report had some level of involvement, voluntary or coerced, with the LTTE, it is also the case that many other victims, who may have been suspected of LTTE involvement, had in reality no links to the organisation.

5.2.19 As of August 1998, no members of the security forces have been prosecuted under criminal law for committing torture, despite the fact that torture was made a criminal offence by the Convention Against Torture Act 1994. [9]

See also Government action: paragraphs 5.2.30 - 5.2.38; Prosecution of security force personnel: paragraphs 5.2.53 - 5.2.62;

Abuses by the LTTE: paragraphs 5.2.63 - 5.2.65;

Abuses by pro-Government Tamil militants: paragraphs 5.2.66 - 5.2.67

Arrests and detention

5.2.20 Thousands of Tamils have been arrested, particularly in Colombo and the east, for suspected contact with the LTTE, and as part of security operations to prevent LTTE terrorists from infiltrating the city. Amnesty International [7] and the Refugee Council regard mass arrests of hundreds of Tamils at a time during cordon and search operations as arbitrary and indiscriminate. [5b] Amnesty reported that, according to official figures, 8,652 people were arrested in Colombo alone between July 1996 and July 1997. [24e]

5.2.21 After thousands of Tamils were arrested in March and April 1998 in Colombo and the surrounding areas, Tamil political parties demanded that arrest and detention should be strictly in accordance with the law and that the Presidential Directives providing safeguards to detainees should be observed. TULF leaders in evidence to the Human Rights Commission stated that fundamental rights of Tamils in Colombo were being violated with impunity, and arrests were taking place, in many instances, despite individuals possessing all the necessary documents, solely on the basis of ethnicity. The Attorney-General advised the security forces in April 1998 to arrest

only on the basis of reasonable suspicion based on reliable information. [23a]

5.2.22 A large majority are released within 24 hours or at least within 2 or 3 days [7] after their identity has been checked, but some have been held without charge or trial for weeks or months and, according to Amnesty, are at risk of being subjected to torture. [9] According to information given to the Dutch Ministry of Foreign Affairs, 90% of detainees are released within 48 hours, 6% within a week, 3% within 3 months and 1% have a 3 month detention order imposed. [8]

5.2.23 According to a Tamil Member of the Sri Lankan Parliament, in his experience, an estimated 60% of Tamils arrested in cordon-and-search operations in Colombo are released within 24 hours, 10% within 14-21 days and 30% are kept for a longer period. Some of the 30% are released after 1-3 months, often as a result of a Court Order. The MP estimated that 10% are detained long term and that at least 5% suffer what he describes a severe torture. [5a]

5.2.24 Amnesty also reported that at the end of 1997, an estimated 1,200 people were being detained without charge or trial under the Emergency Regulations or Prevention of Terrorism Act, of whom 400 had been held for more than 2 years. [24e] The US State Department report for 1998 states that at the end of the year, more than 1,500 detainees were being held under the ER, the same approximate number as in 1996 and 1997. Many of these detainees were arrested during operations against the LTTE. Up to 300 people were detained under the Prevention of Terrorism Act, which permits detention without charge for up to 18 months. In some cases, Tamils have been detained without charge under the PTA for up to 4 years. [12b]

5.2.25 In Colombo the number of arrests has been particularly high in the aftermath of terrorist attacks attributed to the LTTE. [7] For example, 965 Tamils were arrested after October 1996 attack on the World Trade Centre in Colombo. [24e] Amnesty say that most at risk of arrest are young Tamil men and women, especially those who had recently travelled from the north and east. Some have been detained more than once. [7]

5.2.26 There are instances where the security forces have not adhered to the Presidential directives issued in 1995, in that "arrest receipts" are not issued, families are not informed of the place of detention, and the HRTF/HRC were not informed of the arrest. [7]

5.2.27 The Sri Lankan authorities maintain that people are arrested only on "reasonable grounds". These include recent travel from the north and east, having a relative who is known to be or have been a member of the LTTE, information provided by other prisoners or not being able to substantiate the reason for being in the area. [7]

See also Tamils in Colombo: paragraphs 5.3.22 - 5.3.34; paragraph 5.2.45: Committee to Inquire into Undue Arrest and Harassment

5.2.28 Amnesty International refer to evidence that prisoners have been detained in unauthorised places of detention. Some 84 places of detention are authorised under the Emergency Regulations for the detention of prisoners held under the ERs or Prevention of Terrorism Act. Amnesty mention prisoners being held in Plantain Point army camp and Kallady army camp, which are not authorised places of detention. [7] Amnesty are concerned that the government has not separated responsibility for custody from responsibility for investigation, one of the fundamental safeguards

against torture and disappearances. [11]

5.2.29 PLOTE and TELO have detained Tamils in the north and east, without handing them over to the police. PLOTE and TELO have also resorted to widescale extortion. [7] The 2 groups are said to run more than 20 detention camps in the north and east of Sri Lanka. [18y]

See also Government action: paragraphs 5.2.30 - 5.2.38

Government Action

5.2.30 The People's Alliance (PA) Government which came to power in 1994, and in particular President Kumaratunga herself, are resolved to improve the human rights situation in Sri Lanka. [8]

5.2.31 Amnesty International has noted the marked improvement in the human rights situation in comparison with what it called the "widespread pattern of gross and systematic violations" of the past. [7] Nevertheless Amnesty, in common with a number of other organisations, were concerned about continuing abuses, about the Government of Sri Lanka's apparent failure to live up to its stated commitment to human rights, and about signs that the Government may be renegeing on its commitment to bring to justice the perpetrators of past human rights violations. [7] & [12a]

5.2.32 Sri Lanka acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 3 January 1994, but has not recognised the competence of the Committee against Torture to consider communications made in accordance with Articles 21 and 22 of the Convention. The Convention against Torture Act 1994 gives effect to the Convention in accordance with the Sri Lankan legal system. [15]

5.2.33 Sri Lanka has acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights. [15]

The Government has followed a number of recommendations made by the monitoring committee under the ICCPR. [8]

5.2.34 The Supreme Court and other courts have taken an unequivocal position on the question of torture and have awarded compensation to victims of torture. [15] The Supreme Court can request the Inspector General of Police to initiate an investigation, and on completion, may refer the matter to the Attorney-General for prosecution. [10]

5.2.35 The Government has taken steps to ensure that investigations in which the accused were police officers and that were dealt with by the police were independent. New special units had been set up to carry out investigations and monitor investigations that were being conducted elsewhere. Special units of the Crown and State Counsel had been set up in the Attorney-General's Department to supervise the investigations that were being carried out. [10]

5.2.36 The General Officer Commanding of the 51 Division of the Army in Jaffna introduced measures to prevent "disappearances" and torture. Amnesty reported that there was general agreement among the population in Jaffna that an improvement in the human rights situation had come about as a result of these measures. The GOC established a special investigative unit consisting of members of the Military Police to investigate 379 complaints of disappearances. [2]

5.2.37 Amnesty was also encouraged by several human rights training programmes for the security forces, including courses organised by a Directorate of Humanitarian Law set up by the Commander of the Army in May 1997. [2]

5.2.38 Amnesty International was invited in October 1998 by the Sri Lankan Attorney-General to send an expert to attend the investigation of reports of a mass grave in Jaffna. Amnesty welcomed the decision to invite international experts, but stated that the Government must guarantee the experts' safety. [19c]

See also Prosecution of security force personnel: paragraphs 5.2.53 - 5.2.62

The Human Rights Commission

5.2.39 The Human Rights Commission (HRC) was established by Act of Parliament in 1996 [16] and started work in March 1997 [14]. There are several regional offices, including one in Jaffna. [15] It has monitoring, investigative and advisory powers in relation to human rights. There are no time limits for filing a complaint before the HRC. The HRC has 5 members: 3 Sinhalese, 1 Tamil and 1 Muslim. [16]

5.2.40 The HRC is empowered to investigate an allegation of infringement of fundamental rights, and to recommend the prosecution of the person infringing those rights. The HRC may monitor the welfare of detainees by regular inspection of places of detention. All arrests and detentions under the Emergency Regulations and the Prevention of Terrorism Act must be reported to the HRC within 48 hours of arrest. [16] However, arrests and detentions by the police have taken place in violation of the legal safeguards built into the ER and other legislation, particularly regarding requirements that receipts be issued and that the Human Rights Commission be notified of any arrest within 48 hours. [12b]

5.2.41 By the end of 1997 the HRC had conducted more than 600 visits to police stations and 120 visits to detention centres. It is also estimated that the HRC has some 2000 complaints pending. In 1997 the Supreme Court also began referring cases involving the violation of fundamental rights to the HRC for review. [12a] During 1998 the HRC continued to visit prisons on an ad hoc basis and other places of detention more regularly. The HRC made over 1,000 visits to such detention facilities during the course of the year. [12b]

5.2.42 It is estimated that the HRC has well over 2,000 cases of alleged human rights abuse pending. The work of the HRC has been hampered by a lack of strong leadership within the organisation. It has failed to open an office in Mannar, it has done little more than visit prisons despite its broad mandate, and did not aggressively follow up on the allegation of a mass grave at Chemmani in Jaffna. The establishment of the Anti-Harassment Committee demonstrated the HRC's ineffectiveness since the responsibilities of the AHC fall within the HRC's mandate. [12b]

5.2.43 There are concerns about the independence of the HRC. The legislation states that the State rather than Parliament will provide the HRC with funds. Also the Minister alone is permitted to create the regulations which affect the Commission's work. [16]

The Human Rights Task Force

5.2.44 The HRC took over the work of the Human Rights Task Force (HRTF). This had been established in 1991 as an independent organisation with the authority to conduct regular inspections of places of detention, maintain an accurate register of detainees and to ensure that fundamental rights of detainees were respected. HRTF officers were able to make unannounced visits to army camps and police stations and had unrestricted access to detainees. [14]

Committee to Inquire into Undue Arrest and Harassment

5.2.45 This is a cabinet-level committee, previously known as the Anti-Harassment Committee, appointed by the President in July 1998. It includes senior opposition party members and Tamil representatives who are tasked with looking into complaints stemming from arrests and other security force actions and to take remedial action as necessary. Human rights observers regard the work of the committee as a deterrent to random arrests. [12b]

See also Tamils in Colombo: paragraphs 5.3.22 - 5.3.34

Commissions of Inquiry into Involuntary Removal and Disappearances

5.2.46 The Sri Lankan Government appointed 3 commissions in January 1995 to inquire into and report on involuntary removals and disappearances from 1 January 1988. The mandate expired on 31 May 1997. Each commission had jurisdiction over a geographical area and was responsible for examining allegations of disappearances and identifying the legal action which could be taken. Interim reports were sent to the President containing names of people responsible for disappearances. These findings were forwarded to the Inspector-General of Police for further investigation. The Inspector-General was directed to take action against offending police officers. [16]

5.2.47 The final reports were submitted to the President in September 1997. [16] The commissions investigated 19,079 cases of disappearance, most of which occurred during the 1988-89 period of the JVP uprising. The commissions found evidence that 16,742 persons disappeared after having been involuntarily removed by the security forces. [12b]

5.2.48 The reports have been published and submitted to the UN Working Group on Enforced or Involuntary Disappearances, which has been invited to visit Sri Lanka. A ministerial committee is looking into ways to implement the commissions' recommendations, including those on compensation and prosecution. By May 1998, 188 cases had been referred to the Attorney-General's Department; specific action had been taken on 4 cases; there had been 20 indictments; and 14 cases had been dismissed. [10]

5.2.49 In July 1998, a new commission with island-wide jurisdiction was appointed to investigate and report on about 11,000 complaints left uninvestigated by the earlier commissions. [25]

International Committee of the Red Cross (ICRC)

5.2.50 The ICRC started humanitarian functions in Sri Lanka in 1990 to assist those affected by the war. The ICRC is granted free access to all places of detention, and may interview detainees in private.

5.2.51 ICRC has since 1986 conducted seminars aimed at promoting the awareness and understanding of international humanitarian law among the armed forces. Since 1990 these have been expanded to include law enforcement officers, members of special task forces, paramilitary units, public servants and Sri Lanka Red Cross workers. Regular courses are held for all levels of armed forces personnel in training centres and in operational areas. A week long seminar was held in March 1997 for senior army officers, who were expected to disseminate this knowledge. ICRC have printed booklets in English, Sinhala and Tamil on the law of war and instruction manuals which have been distributed to the forces. ICRC has sponsored members of the armed forces to participate in international seminars. [14]

Centre for the Study of Human Rights (CSHR)

5.2.52 The CSHR launched a programme in June 1993 to provide human rights education for the armed forces and the police with a view to sensitising them to the value of human rights and to point out the limits of their powers. Seminars and workshops were conducted for new assistant superintendents of police and for naval officers. [14]

Prosecution of security force personnel

5.2.53 Amnesty International state that as of August 1998, no members of the security forces have been prosecuted under criminal law for committing torture, despite the fact that torture was made a criminal offence by the Convention Against Torture Act 1994. [9] The Supreme Court has defined torture very broadly to include both physical and mental pain. [14] Some personnel have been fined under civil law. [12b]

5.2.54 A report issued by the Geneva based Centre for the Independence of Judges and Lawyers in September 1998, stated that steps to punish those responsible for unlawful killings had been "manifestly inadequate" and that a culture of impunity had developed. At the date of the jurists' mission to Sri Lanka (1997) no member of the security forces had been convicted of murder. [18x]

5.2.55 Following the publication of the reports of the 3 regional commissions established to investigate disappearances between 1988 and 1994, the Government began submitting cases of alleged human rights abuses to the Attorney-General's office for review. Over 100 indictments have been referred to the courts and action had been filed against 28 security force personnel by the end of 1998. [12b]

5.2.56 A number of trials are underway. [12b] In February 1998, 21 homeguard troopers, 19 policemen and a civilian who were suspected of being involved in the killing of 8 Tamil youths were

remanded in custody. [18t]

5.2.57 In July 1998, 5 soldiers and a policeman were sentenced to death, having been found guilty of the rape and murder of Krishanthi Kumaraswamy after she was detained at an army checkpoint in Jaffna in 1996. Her mother, brother and a neighbour who went looking for her were also killed. [18v] One of the convicted stated that he was prepared to identify the mass graves of 400 Tamils who allegedly disappeared in Jaffna. The Human Rights Commission questioned the soldier and an investigation was due to be launched. [18w] No progress was made on this investigation by the end of 1998. [12b]

5.2.58 In August 1998, 5 senior police officers, including a Deputy Inspector General, were sent on compulsory leave after the report of the presidential commission established to investigate allegations of torture and extra-judicial executions at a government-run detention centre at the Batalanda Housing Estate near Colombo implicated them in the torture and disappearances of a large number of youths in the late 1980s. [25]

5.2.59 In February 1999 a retired school principal and 6 soldiers were sentenced to terms of up to 10 years imprisonment for abducting 25 students, mostly from Embilipitiya Central College in southern Sri Lanka. The students disappeared between August 1989 and January 1990 after the school principal gave the army a list of those he thought were members of the People's Liberation Front. A brigadier and a major were acquitted as there was insufficient evidence to convict. [19g]

5.2.60 The case against the 8 soldiers and 1 reserve police constable arrested in February 1996 in the Kumarapuram massacre of 24 Tamil villagers came to trial in September 1997. In November 1998 6 of the soldiers were indicted for murder and the case is scheduled for trial in 1999. [12b]

5.2.61 Also due to be heard in 1999 are the cases of 3 of the Special Task Force personnel indicted on charges of abduction and illegal detention in connection with the Bolgoda Lake killings. [12b]

5.2.62 The trial of 21 soldiers accused of massacring 35 Tamil civilians in Mailanthani in 1992 was still in progress at the end of 1998. The trial of 9 suspects, including an army brigadier-general, in the disappearance of 32 youths from the southern town of Embilipitiya in 1989-90 concluded at the end of 1998, but the verdict had not yet been announced. [12b]

See also Government Action: paragraphs 5.2.30 - 5.2.38

Abuses by the LTTE

5.2.63 Members of the Liberation Tigers of Tamil Eelam have committed serious human rights abuses. These include:

- ◆ deliberate and arbitrary killings of Sinhalese civilians;
- ◆ summary executions of Tamils considered to be "traitors";
- ◆ torture and ill treatment of prisoners;
- ◆ boys and girls as young as 12 being forced to join the armed group;
- ◆ abductions for ransom; [7]

- ◆ people being forced to provide guerrillas with food and money; [16]
- ◆ routinely violating the civil liberties of the people in the areas of Sri Lanka which they control, operating an unfair court system, and discriminating against ethnic and religious minorities. [12b]
- ◆ use of excessive force in the war. The LTTE kill non-combatants, took hostages, carried out hijackings, torture and bombing of civilian targets. [12b]

5.2.64 The LTTE have been responsible for a series of terrorist incidents and suicide attacks in Colombo. Among the most recent incidents are: up to 100 died when a truck laden with explosives rammed into the Central Bank building in January 1996; 57 were killed when 2 bombs exploded on a rush hour commuter train in July 1996; 18 were killed when an explosion damaged Colombo's business district in October 1997; fuel storage tanks were set on fire in November 1997; 9 were killed when a suicide bomber triggered an explosion in February 1998; and 36 were killed when a bomb on a bus exploded at a busy junction in March 1998.

5.2.65 Outside Colombo, in January 1998, a bomb exploded in Kandy, killing 16 and damaging the country's holiest Buddhist shrine. [18s]

Abuses by pro-Government Tamil militants

5.2.66 In the east and in Vavuniya in the north, the military wing of the People's Liberation Organisation of Tamil Eelam (PLOTE) and the Raseek group, pro-government Tamil militant organisations, have been responsible for a number of killings. The security forces arm and use these militias to provide information, help identify LTTE insurgents and, in some cases, fight in military operations against the insurgents. The exact size of these militias is impossible to ascertain but they probably total fewer than 2,000 persons. These groups frequently operated beyond government control. The militias gain access to internally displaced persons (IDP's) transit camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Those killed by these militants included both LTTE operatives and civilians who failed to comply with extortion demands. [12b]

5.2.67 The Government has not taken any clear, public steps to condemn the militants' actions or to stop them. [12b]

The Home Guards

5.2.68 Several paramilitary groups, referred to as home guards, and militia of political parties operate in the north and north east. They are Sinhalese and Muslim civilians recruited and armed by the police in order to take care of their own communities, and to defend themselves against extortion by the insurgents. They function mostly under the authority of the local police and in some areas they work alongside the army. Their functions are supposed to be purely defensive, but they often act as auxiliary forces. [16]

5.2.69 The security forces have never seriously attempted to restrain the activities of these groups or to dismantle and disarm them. In fact they have regarded them as useful allies in the fight against

the LTTE. In some regions armed groups are said to be operating under the direct command of the armed forces. [16]

5.3 SPECIFIC GROUPS

Women

5.3.1 Women in Sri Lanka have equal rights under civil and criminal law. However, individual issues relating to family law - such as divorce, child custody and inheritance - are adjudicated according to the customary law of each individual ethnic or religious group. This often results in discrimination against women. [12b]

5.3.2 Sexual assault, rape, and spousal abuse (often associated with alcohol) represent serious and pervasive forms of societal violence against women. In 1995 amendments to the Penal Code addressed sexual abuse and exploitation and rape laws were modified to create a more equitable burden of proof and to make punishments more stringent. There are laws which cover sexual harassment in the work place and sexual molestation. [12b]

5.3.3 There have been reports of rape by members of the security forces, for example, in July 1998, 5 soldiers and a policeman were sentenced to death, having been found guilty of the rape and murder of Krishanthi Kumaraswamy after she was detained at an army checkpoint in Jaffna in 1996. [18v]

5.3.4 The Constitution guarantees equal employment opportunities to women in the public sector. At present, they have no legal redress against discrimination in the private sector where they are sometimes paid less than men for equal work and often face difficulty in rising to supervisory positions. Women constitute approximately half of the formal work force. [12b]

5.3.5 Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home. Nevertheless, Sri Lanka has a woman Prime Minister for the third time, and a woman President for the first time. 11 women hold seats in Parliament. In addition to the Prime Minister and the Minister for Women's Affairs, 4 deputy ministers are women. [12a]

Children

5.3.6 The Government demonstrates a strong commitment to children's rights and welfare through its widespread systems of public education and medical care. [12b]

5.3.7 There is a significant problem of child prostitution in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country. The Government has pushed for greater international co-operation to bring those guilty of paedophilia to justice.

5.3.8 The Child Protection Authority (CPA) Act was passed in September 1998. Under this Act

the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labour or illegal activities, or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The CPA will report directly to the President. **[12b]**

5.3.9 In May 1998 Parliament passed amendments to laws protecting the rights of children in a bid to combat abuse. The use of children for begging, sexual intercourse and trafficking in drugs became offences punishable with a 5 year prison sentence. Courts will give priority to child abuse cases. **[18q]**

5.3.10 A 1997 census and Statistics survey found that 16,511 children between the ages of 10 and 14 were be fully employed. Regular employment of children occurs mainly in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, eating houses, and repair shops. Children are also involved in the manufacture of coconut fibre products, bricks, fishing, wrapping tobacco, street trading and farming. Many thousands of other children (estimates range from 50,000 to 100,000) are believed to be working in domestic service. There have been reports of rural children working as domestic servants in urban households, often given into service by poverty stricken parents, and being abused by their employers. **[12b]**

5.3.11 The minimum age for employment is 15 and children under the age of 16 may not be employed in any public enterprise in which life or limb is endangered. The law also permits the employment of younger children by their parents or guardians in limited agricultural work. **[12b]**

5.3.12 The United Nations Special Representative on Children and Armed Conflict, Mr Olara Otunnu, visited Sri Lanka in May 1998 to assess the impact of the conflict on children. He received a commitment from the LTTE that they would no longer enlist child soldiers, a pledge which would be monitored by the UN. **[18r]** In October 1998 a UNICEF official in Sri Lanka said there had been little progress in implementation. **[19d]**

Religious minorities

5.3.13 Discrimination based on religious differences is much less common in Sri Lanka than discrimination based on ethnic group, or caste. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. **[12b]**

5.3.14 Buddhism is the official national religion, but the Constitution also provides for the right of members of other faiths to practice their religion freely. The Government respects this right in practice. **[12b]** Theravada Buddhism is the predominant sect in Sri Lanka with an estimated 53,000 Buddhist Bhikkhus (monks) living in about 6,000 temples. The Sinhalese community, which is mainly Buddhist, is concentrated in and around Colombo and the south of Sri Lanka, and accounts for approximately 70% of the population. **[1]**

5.3.15 According to the census of March 1981, the Hindu population in Sri Lanka was an estimated 2,252,000. Almost 15% of the population of Sri Lanka are Tamil-speaking Hindus. **[1]**

5.3.16 Approximately 7% of the population are Muslims. In 1990, the LTTE expelled virtually the entire Muslim population, some 46,000 inhabitants, from their homes in the north of Sri Lanka. The LTTE expropriated Muslim homes, land and businesses, and threatened Muslim families with death if they attempted to return. They currently live in refugee camps. Other Tamil groups such as the EPRLF and the ENDLF have also launched attacks on Muslims from Trincomalee down to Batticaloa. Muslim communities continue to suffer from violence and displacement as a result of the civil war. [1], [12b] & [20]

5.3.17 There is a sizeable Christian (mostly Roman Catholic) minority in Sri Lanka, which makes up approximately 8% of the population. It is scattered throughout Sri Lanka and consists of Tamil and Sinhalese converts, as well as the smaller Burgher community. Evangelical Christians, who constitute less than 1% of the population, have expressed concern that their attempts to proselytise are often met with hostility and harassment by the local Buddhist clergy, and others opposed to their work. The Methodists and the Dutch Reformed Church are also represented, as are Anglicans, Baptists and the Church of South India. [1] & [12b]

5.3.18 There is also a spiritual assembly for worshippers of the Bahá'í faith in Colombo. [1]

Tamils

5.3.19 Since independence in 1948, the primary conflict has been between Tamils and Sinhalese, as ethnic and religious divisions emerged. Because of their majority, the Sinhalese became more dominant, while the Tamils became increasingly marginalised. The struggle for cultural affirmation, political representation, economic advancement and linguistic parity between Sinhalese and Tamils ended in violence and armed conflict. The overriding political issue in Sri Lanka became the demand by some Tamil groups for an independent Tamil state called "Eelam". [16]

5.3.20 Tamils maintain that they have long been the victims of systematic discrimination in university education, government employment and in other matters controlled by the government and that they have been excluded from the benefits of economic development. However, in recent years, there has been little evidence of overt discrimination in university enrolment, or government employment. The present Sri Lankan Government unveiled plans for the devolution of power which would give a high degree of autonomy to all of the country's provinces. This was welcomed by moderate Tamils, but was rejected by the main opposition UNP in January 1998. The UNP unveiled its own proposals, but the party is opposed to any changes in the country's constitution to make Sri Lanka a federal state. [12b], [20] & [21b]

See also Devolution Proposals: paragraphs 4.12 - 4.13

5.3.21 Tamils fleeing persecution or the war in the north east can generally find a safe haven in the areas under government control. There are large numbers of Tamils living in greater Colombo, the Puttalam district north of Negombo, and the central highlands. In Matale there is a long established community of "Plantation" or "Indian Tamils" as well as Tamils from the north east of Sri Lanka. [8]

See also Disappearances: paragraphs 5.2.2 - 5.2.8 and Arrests and detention: 5.2.20 - 5.2.29

Tamils in Colombo

5.3.22 There are estimated to be 150,000 Tamils from the north east in Colombo, in addition to the 250,000 Tamils who have been resident in the city for a long period. Tamils coming from the north usually seek accommodation with acquaintances or relatives or in lodges. The police and army periodically tighten up identity checks for Tamils in Colombo, partly on the street at checkpoints and roadblocks and partly through round-ups and searches of premises, especially at the lodging houses. This takes place in particular following bombings carried out by the LTTE in Colombo from time to time. The police search for LTTE infiltrators and especially the suicide squads. [8]

5.3.23 Cordon-and-search operations are often carried out in areas with high concentrations of Tamils, including Tamil lodges. These operations occur at irregular intervals and are intended to catch those missed by normal security measures. Whether people are detained or not is determined by how well they can establish their reasons for being in the area. [4c]

5.3.24 A combination of fixed and moveable checkpoints is used in Colombo, the type, number and location dependent on the prevailing security situation. The key issue at checkpoints is verification of identity and those who have Identity Cards with a Colombo address will pass more easily than someone whose ID Card shows a Jaffna address. Crossing checkpoints may be a protracted process for those Tamils who do not speak Sinhala. [4c]

5.3.25 The vast majority of those detained in security operations are released within 24 hours, and others within 48 hours. The 1997 Dutch Foreign Ministry report states that the risk of being held under the Emergency Regulations for over 48 hours for further investigation is faced in particular by younger Tamils, who speak little Sinhalese, if they are not in possession of identity papers, if the papers produced show them to have been born in Jaffna or if they cannot give any valid reason for their presence in Colombo. The likelihood of further investigation is also high for those who have recently come to Colombo from the war zones, those who have a relative known to be an LTTE member or who are suspected of LTTE membership on the basis of police records or who are identified as being involved with the LTTE by another detainee; [8] those who have recently moved to a new area of Colombo; and those who have visible scars. [6]

See also Arrests and detention: paragraphs 5.2.20 - 5.2.29

5.3.26 All residents of Colombo, including Sinhalese are regularly stopped and checked. The frequency of this occurring depends more on the distance and routes travelled than it does on ethnicity, neighbourhood or newness to Colombo. [4c]

5.3.27 In April 1998 Tamil United Liberation Front (TULF) MPs raised in the Sri Lankan Parliament the matter of the arrests of Tamils. The MP Neelan Thiruchelvam stated that in the previous few days alone around 5,000 residents of Colombo had been rounded up and detained despite their production of valid documents which showed their legitimate presence in the city. The MP referred to mass arrests and indiscriminate and arbitrary treatment of Tamils. The Attorney-General met with security force chiefs and the leaders of Tamil political parties to discuss the arrests of Tamils during military operations in the capital. [19e]

5.3.28 In July 1998 the President appointed a cabinet-level Anti-Harassment Committee, which was renamed the Committee to Inquire into Undue Arrest and Harassment (CIUAH) in September 1998. The Committee, which included senior opposition party and Tamil representatives, was tasked to look at complaints stemming from arrests and other security force actions and take remedial action as necessary. The Committee set up a telephone hotline and had received and investigated more than 100 complaints by the end of 1998. [12b] The Anti-Harassment Committee decided to establish a separate police unit to carry out investigations on complaints of security force harassment and for liaison between detainees and their families. All arrests under the Emergency Regulations and the Prevention of Terrorism Act must be reported to the AHC (now the CIUAH). [23b]

5.3.29 The Committee of Inquiry into Undue Arrest and Harassment (CIUAH), issued guidelines on 7 September 1998 to security force officers on search operations, arrest and detention. Arrests are only to be made if evidence is available against the arrested person, who must be informed of the reasons for the arrest. Relatives should receive brief written reasons and informed of the place of detention. Observers pointed out that CIUAH's guidelines are already contained in the Presidential Directives under the Emergency Regulations but have rarely been followed. [23c]

5.3.30 The Sri Lanka Daily News reported in October 1998 that a cross section of Tamils living in Colombo had told the Justice Minister, G Peiris, that the harassment which they had undergone had considerably reduced. This was because the security forces were conducting checks in houses and at road blocks in a more polite and humane manner. The Justice Minister said that a computer data bank would be installed to prevent repeated arrests, and Tamil speaking police officers would be appointed to assist those Tamils taken to police stations. [22a]

5.3.31 Human rights observers generally believe that the work of the CIUAH has acted as a deterrent to random arrests and has helped to alleviate some of the problems encountered by detainees and their families. [12b]

5.3.32 Under Regulation 20A of the Emergency (Miscellaneous Provisions and Powers) Regulations No. 4 of 1994, everyone in Colombo must be registered with the police. Every householder must provide the district police station with the names of every family member, tenant, guest or servant in his household. Household registration is the responsibility of the householder, not of individual residents, and is required of everyone, whether Tamil or not, and whether from Jaffna or another part of Colombo. Nationals of other countries must be registered with the police. [4c]

5.3.33 There is no central registration process, so a person who is registered in one district of Colombo and detained in another can spend several days waiting to be cleared, and once released can be re-arrested at another checkpoint. [4c]

5.3.34 The Committee of Inquiry into Undue Arrest and Harassment (CIUAH) has urged expeditious disposal of applications for police registration, after seeing long queues of Tamils outside Colombo's police stations. Despite this request, the Inspector General of Police introduced a procedure on 22 September 1998 which requires the submission of 3 photographs of the applicant and a certificate from the village headman (Grama Savaka) to obtain a police registration

application form. [23c]

See also Arrests and detention: paragraphs 5.2.20 - 5.2.29

Estate Tamils

5.3.35 There are nearly 1 million Tamils of comparatively recent Indian origin living in Sri Lanka. [12] They were brought over from Tamil Nadu in India by the British colonial government to work on the estates in the central highlands. They are also known as "up country Tamils" and "tea Tamils". [8]

5.3.36 The 1948 Ceylon Citizenship Act denied them nationality and stripped them of all civil rights. In 1964 (the Sirimavo-Shastri Pact) and in 1986, Sri Lanka and India agreed to extend citizenship to some of the estate Tamils. Of the approximately 975,000 estate Tamils, 422,500 received Indian nationality and moved to India, and 469,000 obtained Sri Lankan nationality. [8]

5.3.37 There was a residue of 85,000 who opted for Indian citizenship, but remained in Sri Lanka. These people remain stateless and are unable to obtain a passport or own land. [8]

5.3.38 This residue is one of the most neglected groups in Sri Lanka. They have been largely excluded from the political process and from employment opportunities in the government and private sector because of their statelessness and lack of national identity cards. They are unable to obtain passports. [20]

5.3.39 They face discrimination, especially in the allocation of government funds for education. Because they have no ID cards, they are vulnerable to arrest by the security forces. The Government has apparently stated that none of the estate Tamils will be forced to leave Sri Lanka. [12]

5.3.40 Politically estate Tamils are represented by the Ceylon Workers' Congress, which supported the previous UNP government, and by the Up-Country People's Front, which supports the current PA government. [8]

Indigenous people

5.3.41 The indigenous people of Sri Lanka, known as the Veddas, number less than 1,000. They are animist and they prefer to maintain their isolated traditional way of life and are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of Sri Lanka. Some Veddas have complained that they are being forced off their traditional land, and they are not being allowed to live according to their own culture and traditions. For the first time, in 1996, Veddas were allowed by the Government to participate in the UN Working Group on Indigenous People in Geneva, where they were able to air their grievances. [12a]

5.3.42 In August 1998 the Government fulfilled a long-standing Vedda demand when the President issued an order granting many Veddas the right to hunt and gather in specific protected forest

areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot programme, special identity cards were issued to some Veddas to facilitate their use of these forest areas. However, some Veddas still complain that they are being pushed off their land. [12b]

Sinhalese (and the JVP)

5.3.43 The Janatha Vimukthi Peramuna (People's Liberation Front) is a radical left wing party which in 1987 came out against the Indo-Sri Lankan Accord. It began a campaign of strikes, attacks and killings of public officials and members of the police and army. The violence reached its peak in 1988-90. A ruthless campaign to eliminate the JVP was launched, with death squads responsible for abductions and killings of suspected JVP supporters. The violence gradually subsided after November 1989 when the JVP leadership was eliminated. [8] It has been estimated that the number of civilians killed in the lengthy struggle between the JVP and the Government might have been as high as 25,000 - 50,000. [1]

5.3.44 There was a brief revival of JVP activities in 1990, but the Government clamped down on this firmly. Reports of disappearances and extra-judicial executions of JVP members decreased after 1990, and ceased in 1993. [8]

5.3.45 In the 1994 elections, the Sri Lanka Progressive Front, a party associated with the JVP, won one seat in Parliament. In the 1997 local elections the JVP won 101 seats on various local councils. [8]

5.3.46 Since the PA Government came to office, there has been no further politically motivated prosecution of JVP members. JVP members are now only prosecuted under the ordinary law and only for serious offences punishable under the Sri Lankan Penal Code. [8]

5.3.47 The rehabilitation programme introduced in 1990 brought a gradual reduction in the number of detainees. By 1996 all JVP members in custody had been tried and were serving their sentences, or had been released for lack of evidence. [8]

5.4 OTHER ISSUES

Freedom of Speech and of the Press

5.4.1 The Sri Lankan Government controls the country's largest nationalised newspaper chain (Associated Newspapers of Ceylon Limited), two major television stations (the Sri Lanka Broadcasting Corporation, formed in 1967; and, since June 1979, the Independent Television Network). There is also a vast array of independent newspapers, journals, radio and television stations. [1] & [12b]

5.4.2 Although the Constitution provides for freedom of speech and expression, the Government restricts these rights in practice, often using national security grounds permitted by law. During 1998, the Government strictly limited the access of domestic and foreign media to information and

censored news relating to military and police matters. The Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. International television broadcasts received in the country were also censored, with references to Sri Lanka filtered out of the broadcasts. Foreign and national journalists are allowed to go to the conflict areas, but they must receive the permission from the Ministry of Defence. [12]

5.4.3 In June 1998 the Sri Lankan Government imposed censorship on news of the war between army and the LTTE. The Free Media Movement in Sri Lanka condemned the Government's action. [18z]

5.4.4 During 1998 there have been a number of attacks on Sri Lankan journalists, which has prompted the Editors Guild of Sri Lanka to state that the climate for a free media was being stifled. Among the incidents, Iqbal Athas, a defence correspondent of the Sunday Times who has criticised the army, was threatened by armed men who stormed his house in February. [19a] Two air force officers were later arrested for the attack. [19b] & [25]

Freedom of Peaceful Assembly and Association

5.4.5 The law provides for freedom of assembly and association, and the Government respects these rights in practice. Although the Prevention of Terrorism Act may restrict this freedom, the Government did not use the act for that purpose in 1998. The Government generally granted permits for demonstrations. [12b]

5.4.6 The Government also respects the Constitutional rights of employees to establish labour Unions, although legally, management is not required to recognise them or bargain with them. Most of the larger Unions are affiliated to political parties and together play a prominent role in the political process. Over 30 labour Unions are politically affiliated although a smaller number remain unaffiliated. Sri Lankan law also provides the right to collective bargaining which is widely practised either under the Union umbrella, or through work councils. The law prohibits anti-Union discrimination. [12b]

Freedom to Travel

5.4.7 The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to Sri Lanka." The Government generally respects the right to domestic and foreign travel. However, the war with the LTTE has prompted the Government to impose more stringent checks on people from the north and the east and on movement in Colombo. These security measures have the effect of restricting the movement of Tamils, especially young males. [12b]

5.4.8 Prior to 1996, the LTTE severely restricted the movement of Tamils under its control, often levying a large "exit tax" on persons wishing to move to government controlled areas, and requiring travellers to leave all their property in escrow. In addition, it would usually grant permission to only one family member to travel at a time. However, following the recapture of Jaffna, the LTTE

began to allow people to move more freely into government-controlled areas. [12b]

5.4.9 The LTTE has also disrupted civilian air traffic to Jaffna; in August 1998, it began warning civilians and humanitarian workers not to use civilian flights servicing the peninsula. Subsequently, the LTTE was accused of shooting down a civilian aircraft on 29 September 1998, killing all 55 passengers and crew aboard. [12b]

5.4.10 Tamils from Jaffna who travel from the north to government-controlled areas must carry an LTTE travel pass. Passes are issued to people such as Tamil businessmen who are regarded as reliable and who are able to regularly travel back and forth. Permission to travel is also granted for family visits and hospital treatment in Colombo. Consent may be accompanied by a warning that remaining family members will face punishment if the traveller does not return. [8]

5.4.11 Until May 1997, the start of the army offensive in the Vanni, the LTTE checked travel passes at its border crossing near Omantai on the road to Vavuniya. Further south, near Nochchimodai, there was another checkpoint manned by members of the People's Liberation Organisation of Tamil Eelam (PLOTE), which identified LTTE activists and handed them over to the army. The army checkpoint was a little further south, near Tandikulam, where the national identity card had to be shown. Travellers were questioned about their destination and then detained in a camp near Vavuniya while enquiries are made in Colombo concerning their stated destination. [8]

5.4.12 People reporting to the police on arrival in Colombo whose identity card shows them to be from the north and who are unable to show that they have already lived in Colombo with valid reasons for some while, are asked to produce the pass given to them in Vavuniya, showing the date of issue and length of stay. Anyone found to have exceeded the permitted period is sent back to Vavuniya. There are no residence restrictions in Colombo for Tamils other than those from the north. [8]

5.4.13 Every Sri Lankan citizen wishing to travel abroad must have a valid passport issued centrally by the Department of Immigration/Emigration in Colombo. Passport application forms are issued by district offices (kachcheri) and forwarded to Colombo. Applicants must submit a birth certificate, which can be obtained in the Jaffna peninsula or from the office of the Registrar-General in Colombo. Passports are checked on exit at the airport. Photographs of wanted persons are normally kept at customs posts. [8]

5.4.14 Repatriated Tamils carry an "emergency certificate" from the Sri Lanka High Commission unless they have a valid travel document of their own. On production of this document, the holder may apply to the Registrar-General's Office in Colombo for a birth certificate, on the basis of which a national identity card can be issued. If a Tamil registers as having come from abroad, there is no reason for the authorities to regard him as coming from the north and consequently send him to Vavuniya. [8]

5.4.15 Prior to the government offensive on the Jaffna peninsula in 1995 and 1996, an estimated 600,000 people had been displaced by the fighting. Most live in camps financed by the Government and non-governmental organisations (NGOs). The Jaffna offensive resulted in the displacement of 480,000 people in LTTE controlled areas of Vanni. Some of the displaced lived

with friends or relatives, or in welfare centres in schools, religious institutions and other public buildings. Many others lived in makeshift shelters or camped out. The Government supplies them with food, medicine and other essential supplies. The return of many thousands of displaced people to their homes on the Jaffna Peninsula has helped to relieve the situation. **[12b]**

5.4.16 During 1998 several thousand Tamils fled LTTE controlled areas to Tamil Nadu in southern India. An estimated 64,000 Tamil refugees were already living in camps there, and another 100,000 refugees are believed to have been integrated into Tamil society in southern India. **[12b]**

ANNEX A: COMMON ABBREVIATIONS [1] & [8]

Political Parties

CWC	Ceylon Workers' Congress
CPSL	Communist Party of Sri Lanka
DJV	Desha Vimukthi Janatha Party
DPLF	Democratic People's Liberation Front
DUNF	Democratic United National Front
DUNFL	Democratic United National Lalith Front
DWC	Democratic Workers' Congress
JVP	Janatha Vimukthi Peramuna
LSSP	Lanka Sama Samaja Party
MEP	Mahajana Eksath Peramuna
NSSP	Nava Sama Samaja Party
PA	People's Alliance
SLFP	Sri Lanka Freedom Party
SLMP	Sri Lanka Mahajana Party
SLMC	Sri Lanka Muslim Conference
UNP	United National Party

Tamil Parties/Movements

ENDLF	Eelam National Democratic Liberation Front
EPDP	Eelam People's Democratic party
EPRLF	Eelam People's Revolutionary Liberation Front
EROS	Eelam Revolutionary Organisation of Students
LTTE	Liberation Tigers of Tamil Eelam
PFLT	People's Front of the Liberation Tigers
PLOTE	People's Liberation Organisation of Tamil Eelam
TELF	Tamil Eelam Liberation Front
TELO	Tamil Eelam Liberation Organisation
TULF	Tamil United Liberation Front

Human Rights Organisations

CIUAH	Committee of Inquiry into Undue Arrest and Harassment
CPCRS	Committee to Process, Classify and Recommend Rehabilitation and Release of Suspects
HRC	Human Rights Commission
HRTF	Human Rights Task Force
PCIIRP	Presidential Commission of Inquiry into Involuntary Removal of Persons
WGEID	UN Working Group on Enforced or Involuntary Disappearances

Legislation

ER	Emergency Regulations
PTA	Prevention of Terrorism Act 1983

Investigative organisations and security agencies

CID	Criminal Investigation Department
CDB	Crime Detection Bureau
CSU	Counter Subversive Unit
IPKF	Indian Peace Keeping Force
STF	Special Task Force (police paramilitary commando unit)

ANNEX B: MAIN POLITICAL PARTIES AND ORGANISATIONS

ALL CEYLON TAMIL CONGRESS Founded in 1944 and aims to secure Tamil self-determination.

BAHAJUNA NIDAHAS PERAMUNA Formed in 1990 and is a splinter group of the Sri Lanka Mahajana Party.

CEYLON WORKERS' CONGRESS (CWC) Founded in 1939 and represents the interests of workers, mainly of Indian Tamil origin, on tea plantations.

COMMUNIST PARTY OF SRI LANKA (CPSL) Founded in 1943 and advocates the establishment of a socialist society. It supports the national unity of Sri Lanka.

DEMOCRATIC PEOPLE'S LIBERATION FRONT (DPLF) Has operated as a national political party since 1988 and is the political wing of the People's Liberation Organisation of Tamil Eelam (PLOTE). Won 3 seats in the 1994 general election.

DEMOCRATIC UNITED NATIONAL FRONT (DUNF) Founded in 1991 by a dissident group of UNP politicians.

DEMOCRATIC UNITED NATIONAL LALITH FRONT (DUNFL) Split from the DUNF in 1994, led by Srimani Athulathmudali, the widow of the assassinated DUNF leader, Lalith Athulathmudali.

DEMOCRATIC WORKERS' CONGRESS (DWC) Formed in 1939 as a trade union and in 1978 as a political party. Aims to eliminate discrimination against the Tamil-speaking Sri Lankans of recent Indian origin.

DESHAPRIYA JANATHA VIYAPARAYA (DJV) (Patriotic People's Movement) Militant

Sinhalese group, associated with the JVP.

DESHA VIMUKTHI JANATHA PARTY (DVJP) (National Liberation People's Party) Has operated as a national political party since 1988.

EELAM NATIONAL DEMOCRATIC LIBERATION FRONT (ENDLF) A Tamil group which supports the 1987 Indo-Sri Lankan peace accord. Has operated as a national political party since 1988.

EELAM PEOPLE'S DEMOCRATIC PARTY (EPDP) A Tamil group formed in 1986. Supports the People's Alliance and won 9 of the 10 Parliamentary seats in Jaffna in the 1994 general election.

EELAM PEOPLE'S REVOLUTIONARY LIBERATION FRONT (EPRLF) Founded in 1981, this is a left of centre Tamil rights group.

EELAVAR DEMOCRATIC FRONT previously known as the **EELAM REVOLUTIONARY ORGANISATION OF STUDENTS (EROS)** A Tamil militant group formed in 1975. Contested the 1989 and 1994 general elections. The EDF is also described as the political wing of EROS. [4a] & [4b]

EKSATH LANKA JATHIKA PERAMUNA (ELJP) Founded by former members of the UNP in 1985.

JANATHA VIMUKTHI PERAMUNA (JVP) (People's Liberation Front) Formed in 1964 and was banned following a coup attempt in 1971. Regained legal status in 1977, but banned again in August 1983. Regained legal status in May 1988. A Marxist, Sinhalese group which has been effectively eradicated as a result of military action in 1989-90.

LANKA SAMA SAMAJA PARTY (LSSP) (Lanka Equal Society Party) Founded in 1935. Trotskyist. It is a constituent party of the People's Alliance.

LIBERATION TIGERS OF TAMIL EELAM (LTTE) The main Tamil separatist terrorist organisation, commonly known as the "Tamil Tigers". Founded in 1974 and is currently led by Velupillai Prabhakaran. The LTTE controls a large part of Sri Lanka's north and east. It is committed to establishing an independent state for Sri Lanka's Tamil minority, but in 1995 it agreed to accept something less than a separate independent state. The LTTE runs a parallel administration to that of the elected government.

MAHAJANA EKSATH PERAMUNA (MEP) (People's United Front) Founded in 1956. A left-wing party with Buddhist and Sinhalese support.

MUSLIM UNITED LIBERATION FRONT (MULF) Operated as a national political party since 1988 and was set up to secure Muslim and Tamil rights under the Indo-Sri Lankan Peace Accord of July 1987.

NATIONAL WORKERS' CONGRESS (NWC) Formed after the 1994 general election.

NATIONAL WORKERS' UNION (NWU) Founded in 1970 as a trade union party.

NAVA SAMA SAMAJA PARTY (NSSP) (New Equal Society Party) A Trotskyist party founded in 1977.

PEOPLE'S ALLIANCE (PA) Formed in 1993 as a left wing alliance which includes the LSSP, the SLFP and the SLMP. This is currently the ruling party in Sri Lanka.

PEOPLE'S FRONT OF THE LIBERATION TIGERS (PFLT) Founded in 1989. Political wing of the LTTE.

PEOPLE'S LIBERATION ORGANISATION OF TAMIL EELAM (PLOTE) Formed in 1980 as a breakaway group from the LTTE. A Tamil militant party which advocates a separate socialist Tamil state, but supported the former UNP Government's military operations against the LTTE. Its political wing is the Democratic People's Liberation Front (see above).

PODUJANA EKSATH PERAMUNA (PEP) Now part of the People's Alliance, this party was formed to contest the 1993 provincial elections, in which it gained control of the western province.

SINGHALAYE MAHA SAMMATHA BHUMIPUTRA PAKSAYE (Sinhalese Sons of the Soil Party) Formed by a former naval rating who attempted to assassinate the former Indian Prime Minister, Rajiv Gandhi, during a navy honour guard in Colombo in 1987. Its aim is to protect the interests of the Sinhalese and it put up a candidate in the 1994 presidential elections.

SINGHALAYE NITHAHAS PERAMUNA (Sinhalese Freedom Front) A nationalist, Buddhist party formed in 1994.

SRI LANKA FREEDOM PARTY (SLFP) Formed in 1951. A democratic socialist party, led by the current Prime Minister, Sirimavo Bandaranaike. It has been one of the two main political parties in Sri Lanka, the other being the United National Party.

SRI LANKA MAHAJANA (PEOPLE'S) PARTY Founded by former members of the SLFP in 1984.

SRI LANKA MUSLIM CONGRESS (SLMC) Founded in 1980 to represent the rights of Muslims in the Tamil eastern province. Operated as a national party since 1986, and won 7 seats in the 1994 general election.

TAMIL EELAM LIBERATION FRONT (TELF) No record of any recent activity by this Tamil separatist group.

TAMIL EELAM LIBERATION ORGANISATION (TELO) Formed in 1972 and is thought to be the second largest Tamil militant separatist group after the LTTE. Has operated as a national political party since 1988. It assists the Sri Lankan security forces in their fight against the LTTE.

TAMIL NATIONAL ARMY (TNA) Created by the Indian Peace Keeping Force in 1990. TNA cadres were drawn from the EPRLF, the ENDLF and the TELO. The TNA hunted down LTTE cadres, but after the withdrawal of the IPKF, the tables were turned and the LTTE began a hunt for members of the TNA. As far as is known, the TNA has not functioned since 1990.

TAMIL UNITED LIBERATION FRONT (TULF) Founded in 1949, it has the declared aim of the peaceful creation of an independent Tamil state. It was the main Tamil political organisation and was the main opposition party in Sri Lanka after the 1977 elections. Its support has waned, but it won 5 seats in the 1994 elections.

TAMIL UNITED NATIONAL FRONT (TUNF) This is a combination of several parties including the TELO, EROS and PLOTE. The groups contested the 1994 elections under their separate titles.

TRI-STAR (or THREE STARS) Formed shortly after the 1987 Indo-Sri Lankan Peace Accord. It comprised the PLOTE, TELO and the EPRLF. It supported the IPKF in return for a scheme of substantial devolution for the northern and eastern provinces. Tri-Star seems to have disappeared after the IPKF's withdrawal, though its components continue to operate in their own right.

UNITED NATIONAL PARTY (UNP) Formed in 1946. A democratic socialist group and a mainly Sinhalese party. It has been one of the two main parties in Sri Lanka and had been in power for 17 years when it was defeated in the 1994 elections.

UP-COUNTRY PEOPLE'S FRONT Represents the interests of workers, mainly of Indian Tamil origin, on tea plantations.

Other Tamil militant groups, on which there is no information currently available, include:

The People's Revolutionary Action Group
The Tamil People's Protection Party
The Ellalan Force

ANNEX C: PROMINENT PEOPLE - PAST AND PRESENT

LALITH ATHULATHMUDALI

A former UNP Cabinet member expelled by President Premadasa. Formed the Democratic United National Front. Assassinated in April 1993.

CHANDRIKA BANDARANAIKE KUMARATUNGA

President of Sri Lanka. Daughter of Solomon and Sirimavo Bandaranaike. Appointed Prime Minister in August 1994 at the head of the People's Alliance Government. She contested the November 1994 presidential elections, which she won.

SIRIMAVO BANDARANAIKE

Widow of Solomon Bandaranaike. Assumed the leadership of the SLFP after her husband's assassination and became Prime Minister. She was defeated in 1965, but was Prime Minister again between 1970 and 1977, and has been Prime Minister for a third term since 1994.

SOLOMON BANDARANAIKE

Founder of the Sri Lanka Freedom Party, became Prime Minister in 1956. Assassinated in 1959.

GAMINI DISSANAYAKE

The UNP's presidential candidate in the 1994 elections, but was assassinated by a suspected LTTE suicide bomber in 24 October 1994. His widow, Srima, replaced him as the candidate.

JUNIUS JAYAWARDENE

Appointed Prime Minister when the UNP won the 1977 general election. In 1978 he became the country's first executive President following a Constitutional amendment. In 1987 he signed the Indo-Sri Lankan peace accord with Rajiv Gandhi, the Indian Prime Minister. He remained President until January 1989.

VELUPILLAI PRABHAKARAN

Leader of the Liberation Tigers of Tamil Eelam. In 1992 he was charged in absentia in Madras in connection with the assassination of the Indian Prime Minister, Rajiv Gandhi. In 1997 he was charged with other militants with more than 700 criminal acts of terrorism by the Sri Lankan Government.

RANASINGHE PREMADASA

UNP Prime Minister of Sri Lanka under President Jayawardene. He was elected President in December 1988 and sworn in the following month. He was assassinated by a bomb explosion in Colombo on 1 May 1993. The LTTE were blamed though they denied involvement.

DUDLEY SENANAYAKE

Son of Stephen Senanayake, whom he succeeded as Prime Minister in 1952. He was defeated in the elections of 1956. He was Prime Minister again between 1965 and 1970.

STEPHEN SENANAYAKE

Leader of the United National Party (UNP) and Sri Lanka's first Prime Minister from 1948 until his death in 1952.

RANIL WICKREMASINGHE

Minister of Industries, Science and Technology under President Premadasa, he was appointed Prime Minister following the latter's assassination in 1993. Leader of the UNP.

RANJAN WIJERATNE

Minister of Plantation Industries and Minister of State for Defence. He was in charge of the Government's offensives against the JVP and the LTTE. He was assassinated in March 1991, allegedly by the LTTE.

DINGIRI BANDA WIJETUNGA

Became Prime Minister in 1989, and in 1993 he was appointed President to complete the term of office of the assassinated President Premadasa. He did not contest the 1994 presidential election.

ANNEX D: CHRONOLOGY

- 1948 Ceylon gains independence from the United Kingdom.
- 1956 Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.
- 1959 Sirimavo Bandaranaike succeeds her husband as SLFP leader and Prime Minister.
- 1971 A JVP uprising is suppressed.
- 1972 The country becomes known as Sri Lanka.
- 1976 Formation of the Tamil United Liberation Front, calling for a separate Tamil state.
- 1977 General election is held, won by the UNP. Jayawardene becomes Prime Minister. Civil unrest between Sinhalese and Tamils.
- 1978 New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force. Jayawardene becomes the country's first executive President. The Tamil language is recognised in the Constitution.
- 1979-83 Continuing ethnic violence and the imposition of a state of emergency.
- 1982 October: Jayawardene re-elected as President
December: referendum held to seek agreement to prolong the life of Parliament until 1989.
- 1983-4 State of emergency declared and mounting Tamil terrorist activity.
- 1986 Further violence in the north of Sri Lanka and bomb attacks in Colombo.
- 1986-7 Government offensives launched against the militant Tamils in the north and east.
April 1987: Terrorist attacks against the civil population.
29 July 1987: Indo-Sri Lankan peace accord signed. Indian peace Keeping Force arrive in July. October 1987: IPKF attack the LTTE and regain control of Jaffna. Re-emergence of the JVP which launched an anti-accord campaign.
- 1988 Presidential elections, won by the UNP candidate, Premadasa.
- 1989 State of emergency, in force since May 1983, repealed. The UNP win the February general elections. IPKF begins its withdrawal from Sri Lanka. State of emergency re-imposed in June in response to renewed JVP violence.
- 1989-90 JVP effectively destroyed as a political force by Sri Lankan security forces.

- 1990 March: the last troops of the IPKF leave Sri Lanka. LTTE hostilities renewed and Government offensive launched against Tamil strongholds in the Jaffna peninsula.
- 1991 Further violence and bomb attacks. Assassination of the senior cabinet minister, Wijeratne. LTTE proscribed in India following the assassination of Rajiv Gandhi, the former Indian Prime Minister.
- 1992 Massacre of Muslim villagers by suspected LTTE guerrillas in the north east.
- 1993 Assassination of the DUNF leader Athulathmudali, and of President Premadasa.
- 1994 16 August: General election and defeat of UNP Government. Mrs Chandrika Kumaratunga appointed Prime Minister, leading the People's Alliance. 9 November: Presidential election. Mrs Kumaratunga is elected, and her mother, Sirimavo Bandaranaike, is appointed Prime Minister.
- 1995 Peace talks held with the LTTE, but soon break down. Major offensives launched in the Jaffna peninsula and the town of Jaffna is recaptured.
- 1996 Escalation in LTTE terrorist violence. 100 killed and 1,400 injured in a bomb attack on the Central Bank in Colombo. State of emergency extended to the whole country.
- 1997 March: The Government is successful in the local elections, which is seen as an endorsement of its devolution plans. July: The state of emergency in the south of the country is lifted.
- 1998 26 January: The Government banned the LTTE after a bomb attack on the Temple of the Tooth in Kandy.
29 January: Local elections held in the recaptured Tamil areas.
4 August: State of Emergency imposed on the whole country, and the provincial elections are postponed.
December: End of Operation Jayasikuru and launch of Operation Rivi Bala.
- 1999 January: Provincial elections held in North West Province amidst violence and reports of fraud, vote-rigging and intimidation.
The Supreme Court rules that the President's postponement of the provincial elections in August 1998 was unconstitutional. Elections set for 1 April 1999.

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